

UNITED STATES DISTRICT COURT
 for the
 Western District of Washington

In the Matter of the Tracking of)
 (Identify the person to be tracked or describe)
 the object or property to be used for tracking))
 2019 Grey Jeep Cherokee, bearing Oregon License) Case No. MJ24-148
 Plate 073PDC [TARGET VEHICLE], as further)
 described in Appendix A.)

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of

8 U.S.C. §§ 1324(a)(1)(A)(i) ^{1324(a)(2)(B)(ii)}. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

The person, property, or object is located in this district.
 The person, property, or object is not now located in this district, but will be at the time of execution.

The activity in this district relates to domestic or international terrorism.
 Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

evidence of a crime;
 property designed for use, intended for use, or used in committing a crime;
 contraband, fruits of crime, or other items illegally possessed;
 a person to be arrested or a person who is unlawfully restrained.

I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:
 , as further described in Attachment A

Delayed notice of 90 days (give exact ending date if more than 30 days: 07/24/2024) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

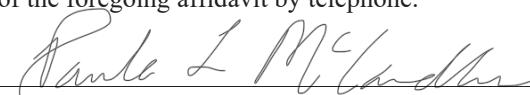
Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: by reliable electronic means telephonically recorded.


 Applicant's signature

Special Agent David Spitzer, HSI

Applicant's printed name and title

The foregoing affidavit was sworn to before me and signed in my presence, or
 The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.


 Judge's signature

Paula L. McCandlis, United States Magistrate Judge

Printed name and title

Date: 03/08/2024

City and state: Seattle, Washington

USAO #2023R01258

ATTACHMENT A**Description of Target Vehicle and Nature of Authorization for Tracking**

This warrant shall authorize agents with HSI and other law enforcement agents/officers/technicians working with them, to place an autonomous GPS tracking device on the Target Vehicle described and pictured below:

a. a gray 2019 Jeep Cherokee bearing Oregon license plate number 073PDC and registered to Jesus Ortiz Plata or Blanca Elia Zamarripa Cruz, 465 S 13th Street, Independence, OR 97351



Agents are authorized to:

b. install, remove, monitor, repair, or adjust an electronic tracking device on or within the vehicle at any time of the day or night;

c. if necessary to protect the safety of persons installing, removing, monitoring, repairing, or adjusting the electronic tracking device, or to protect the integrity of the investigation, surreptitiously enter the subject vehicle at any time of the day or night, and move the subject vehicle from one location to another for the purpose of installing, removing, monitoring, repairing, or adjusting the device;

d. surreptitiously re-enter the subject vehicle at any time of the day or night, for the purpose of installing, removing, monitoring repairing, or adjusting the device; and

e. continuously monitor any and all signals emitted from the device, including when the vehicle enters any structure or private property in which there may be a reasonable expectation of privacy.

This authorization continues in any jurisdiction where the **Target Vehicle** may move for a period not to exceed 45 days.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR VEHICLE TRACKING WARRANT

STATE OF WASHINGTON)
)
COUNTY OF KING)

I, DAVID J. SPITZER, a Special Agent with Homeland Security Investigations, Blaine, Washington, being first duly sworn on oath, depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January 2020. In February 2021, I graduated from the Criminal Investigator Training Program and the Homeland Security Investigations Special Agent Training Program at the Federal Law Enforcement Training Centers (FLETC) in Glynco, Georgia. While at FLETC, I received nearly 1000 hours of training in such areas including, but not limited to criminal law, human smuggling/trafficking investigations, and criminal procedures. Prior to being employed with HSI, I was employed as an agent with the United States Border Patrol (USBP) for eleven years and was assigned to the Sector Intelligence Units in El Centro, CA, and Blaine, WA. In this capacity, I was responsible for conducting criminal investigations regarding the violation of immigration laws of the United States. In 2009, I graduated from the United States Border Patrol Academy at the FLETC in Artesia, New Mexico. My education includes a Bachelor of Arts degree in Political Science and a Bachelor of Arts degree in Criminology from the University of Florida.

2. I am assigned to HSI's Border Security Enforcement Team (BEST) and Air and Marine group in Blaine, WA (hereinafter "HSI Blaine"), which focuses on the enforcement of immigration and narcotics laws, including human trafficking and smuggling, as well as the investigation of transnational gangs. I am an investigative law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). As

such, I am authorized to investigate and enforce violations of federal criminal statutes, including those in Titles 8, 18, and 21 of the United States Code.

3. The information in this affidavit is based upon the investigation I have conducted in this case, my conversations with other law enforcement officers who have engaged in various aspects of this investigation, and my review of reports written by other law enforcement officers involved in this investigation. Because this affidavit is being submitted for the limited purpose of securing a search warrant for information associated with certain cellular telephones, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are relevant to a determination of probable cause to support the issuance of the requested warrant. When the statements of others are set forth in this affidavit, they are set forth in substance and in part. Times listed in the affidavit are approximate.

PURPOSE OF THIS AFFIDAVIT

4. I make this affidavit in support of an application to obtain a tracking warrant for the following vehicle used by Jesus ORTIZ-Plata, aka "Chuy".

5. Target Vehicle: a gray 2019 Jeep Cherokee bearing Oregon license plate number 073PDC and registered to Jesus Ortiz Plata or Blanca Elia Zamarripa Cruz, 465 S 13th Street, Independence, OR 97351, as described in Attachment A.

6. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 8 U.S.C. §§ 1324(a)(1)(A)(i) and (a)(2)(B)(ii), Alien Smuggling,¹ (hereinafter, referred to as Target Offenses) have been committed, are being committed, and will be committed by Jesus ORTIZ-Plata, aka “Chuy” and others known and unknown. There is also probable cause to believe that ORTIZ is using the Target Vehicle in furtherance of these crimes and that its whereabouts over time will constitute evidence of those criminal violations. Obtaining the information sought in this Affidavit is necessary to further the investigation into these offenses.

¹ The word “Alien” is used in Title 8 of the United States Code. Throughout this affidavit, and consistent with Executive Branch policy, the author uses the term “noncitizen” in lieu of the term “alien.”

1 7. This is the second application in this judicial district for a tracking warrant
2 authorizing the tracking of the Target Vehicle. Rule 41(e)(2)(C) of the Federal Rules of
3 Criminal Procedure provides that “[t]he court may, for good cause, grant one or more
4 extensions for a reasonable period not to exceed 45 days each.” I believe good cause
5 exists for a 45-day extension of tracking of the **Target Vehicle**. Accordingly, I submit
6 this affidavit in support of an application for a warrant authorizing the continued tracking,
7 pursuant to Federal Rule of Criminal Procedure 41, of the Target Vehicle, as described in
Attachment A.

8 **BACKGROUND ON UNDOCUMENTED NONCITIZEN SMUGGLING**
9 **ORGANIZATIONS**

10 8. I know from training and experience that 8 U.S.C. § 1324(a)(1)(A)(i)
11 makes it illegal to bring, or attempt to bring, an undocumented noncitizen to the United
12 States in any matter whatsoever other than at a designated port of entry or a place other
13 than as designated by the Secretary of the Department of Homeland Security. I also know
14 that this section applies regardless of whether an undocumented noncitizen has received
15 prior official authorization to come to, enter, or reside in the United States.

16 9. In addition, 8 U.S.C. § 1324(a)(2)(B)(ii) makes it illegal to knowingly or in
17 reckless disregard of the fact that an undocumented noncitizen has not received prior
18 official authorization to come to, enter, or reside in the United States, bring or attempt to
19 bring to the United States whatsoever, such undocumented noncitizen for private
20 financial gain.

21 10. Further, 8 U.S.C. § 1324(a)(1)(A)(v)(II) makes it unlawful to aid or abet the
22 commission of the crimes listed in § 1324(a)(1)(A). And 18 U.S.C. § 2 prohibits aiding or
23 abetting the commission of any offense against the United States.

24 11. From my training and experience as an HSI Special Agent, I know
25 that undocumented noncitizens who cannot secure non-immigrant or immigrant visas to
26

1 lawfully enter the United States generally choose instead to enter the United States
 2 illegally² between the ports of entry on the southern and northern borders.

3 12. Because of their general unfamiliarity with the terrain and border
 4 environment or with the methods and routes used to successfully cross the border without
 5 detection by government officials, undocumented noncitizens seeking to enter the United
 6 States without inspection frequently hire individuals, known as smugglers, who have
 7 experience bringing individuals into the United States without detection.

8 13. Several undocumented noncitizen smuggling organizations operate in the
 9 lower mainland of British Columbia, Canada. These organizations typically charge
 10 undocumented noncitizens between \$5,000 and \$10,000 (USD) to be illegally brought
 11 across the U.S. border. Fees charged by these organizations vary on different factors.
 12 This can include if an undocumented noncitizen is housed by the organization during
 13 their illegal border crossing, or if the organization transports the undocumented
 14 noncitizen a significant distance during the illegal entry. The relative risk of the route
 used to enter the U.S. is also a factor that can affect the fee.

15 14. Undocumented noncitizen smuggling organizations operating in the lower
 16 mainland of British Columbia typically have U.S. associates who pick up the
 17 undocumented noncitizens once they cross the border illegally. These U.S. associates
 18 typically transport the undocumented noncitizens to the Seattle area, where associates
 19 may then assist the undocumented noncitizens with travel arrangements to other U.S.
 20 locations. These undocumented noncitizen smuggling organizations may assist in
 21 facilitating a driver to transport undocumented noncitizens to other states, as many illegal
 22 entrants lack the identification required to travel by air or other mass transportation.

23 15. I also know that persons who are smuggled into the United States may be
 24 attempting to circumvent the United States criminal justice system. Persons who are
 25

26 2 As used here, and throughout this affidavit, an illegal entry into the United States means an entry at a place not
 27 designated as a port of entry. For each of the illegal entries in this affidavit, the noncitizens illegally entering the
 United States were not in possession of any immigration documents that would allow them to enter into, pass through,
 or remain in the United States.

1 smuggled often times have criminal or administrative charges against them which would
 2 prevent their lawful admission into the United States. Persons who are smuggled may
 3 also be actively participating in other criminal conspiracies with one another at the time
 4 of their smuggling into the United States and are smuggled for the purposes of
 5 concealing those ongoing schemes.

6 16. The motivation for a human smuggler to bring a person across the
 7 international border may vary. Sometimes, the arrangement is a simple monetary
 8 transaction. Other times, a smuggler may be doing a personal favor, repaying a personal
 9 debt, or may be actively trying to conceal involvement in other nefarious activities such
 10 as human trafficking.

STATEMENT OF PROBABLE CAUSE

A. Identification of Smuggling Organization

11 17. Based upon information obtained during investigations of human
 12 smuggling into the United States through Blaine, Washington. Border Patrol Intelligence
 13 agents identified the phone number, (360) 618-1885 (hereinafter, referred to as TT1) as
 14 being associated with at least six different human smuggling events.

15 18. Information obtained during the investigation indicates that smuggling
 16 organizations are using cellular telephones to direct noncitizens before and during their
 17 unlawful entry into the United States, as well as to coordinate the pick-up of the
 18 noncitizens once they have unlawfully crossed into the United States. TT1 is associated
 19 with an individual identified through interviews and cellular phone analysis as "Chuy".

20 19. Specifically, on September 18, 2022, at approximately 2:12 a.m., Border
 21 Patrol agents assigned to the Sumas Station arrested two Mexican nationals unlawfully
 22 entering the United States near Sumas, WA. Based upon subsequent interviews, E.S.P.³

23
 24
 25
 26 ³ E.S.P. provided a voluntary statement to BPAs subsequent to his/her unlawful entry into the United States. E.S.P.'s
 27 only criminal history is related to his/her unlawful entry into the United States. E.S.P. is not receiving any benefit for
 providing the information.

1 and J.S.C.⁴ were provided TT1 by the Canadian-based facilitator and told them that
 2 “Chuy” would pick them up after their unlawful entry into the United States and drive
 3 them to Oregon.

4 20. On November 26, 2022, at approximately 6:30 p.m., Border Patrol agents
 5 assigned to the Sumas Station arrested five Mexican nationals unlawfully entering the
 6 United States near Sumas, WA. A post-arrest interview of I.A.C.⁵ revealed that her
 7 father made arrangements with a smuggler named “Chuy” and provided TT1 as “Chuy’s”
 8 phone number. I.A.C. further stated that “Chuy” was responsible for successfully
 9 smuggling many people previously into the United States.

10 21. On December 3, 2022, Border Patrol agents assigned to Blaine Station
 11 arrested four Mexican nationals attempting to unlawfully enter the United States near
 12 Blaine, WA. One of the noncitizens, E.G.I.⁶, had a contact in his/her phone of TT1 listed
 13 as “Juan Pablo” and multiple WhatsApp⁷ messages between E.G.I. and the user of TT1
 referencing smuggling.

14 22. As later described throughout this affidavit, “Chuy” has been identified as
 15 Jesus ORTIZ-Plata with a listed address on his driver license in Independence, Oregon.
 16 ORTIZ, a Mexican national, is an undocumented noncitizen with no known criminal
 17 history.

18 **B. Seizure of Criminal Proceeds in Nebraska**

19
 20 ⁴ J.S.C. provided a voluntary statement to BPAs subsequent to his/her unlawful entry into the United States. J.S.C.’s
 21 only criminal history is related to his/her unlawful entry into the United States. J.S.C. is not receiving any benefit for
 22 providing the information.

23 ⁵ I.A.C. provided a voluntary statement to BPAs subsequent to his/her unlawful entry into the United States. I.A.C.’s
 24 only criminal history is related to his/her unlawful entry into the United States. I.A.C. is not receiving any benefit for
 25 providing the information.

26 ⁶ E.G.I. provided a voluntary statement to BPAs subsequent to his/her unlawful entry into the United States. E.G.I.’s
 27 only criminal history is related to his/her unlawful entry into the United States. E.G.I. is not receiving any benefit for
 providing the information.

28 ⁷ Based upon my training and experience, I know that WhatsApp is an open-source messaging application available
 29 on both Android and iPhone smart phones, and Apple and Windows personal computers. I know that the account
 30 number for a WhatsApp account must be associated with a cellular telephone number. I also know that to log into a
 31 WhatsApp account from another digital device, i.e., that is not associated with the telephone number for the
 32 WhatsApp account, a user must have access to the cellular telephone associated with the account for initial login on
 33 a new device.

1 23. On September 26, 2022, a vehicle stop was conducted by the Seward
2 County Sheriff's Department on Interstate 80 in Seward, Nebraska on a rental vehicle
3 with two occupants. The driver was identified as Joaquin MENESES-Hernandez with an
4 address of 520 Queen Avenue SE in Albany, Oregon. The passenger in the vehicle was
5 Jesus ORTIZ Plata. The vehicle was identified as a rental vehicle which, according to the
6 subjects, was rented by ORTIZ's wife.

7 24. The driver stated that he did not have a "green card" and freely admitted to
8 entering the United States from Canada approximately "three or four months ago". The
9 subjects informed officers that they were coming from Chicago after dropping off a lady
10 named "Alma". While ORTIZ stated that the woman's last name was "Hernandez",
11 MENESES did not know her last name.

12 25. During the encounter, officers noticed several indicators of criminal
13 activity, including the rental car without the renter present in the vehicle and a non-listed
14 rental driver, the short duration of the trip to Chicago, the driver not knowing the last
15 name of the woman they dropped off in Chicago, and the driver's age did not match the
16 date of birth given when asked multiple times. Based on these indicators, deputies
17 requested consent to search the vehicle, which was verbally given by both MENESES
18 and ORTIZ.

19 26. During a search of the rear cargo area, a partial roll of duct tape was found
20 in one of the bags. A few minutes later, deputies discovered a duct taped covered
21 package. The package was opened and determined to be large amount of United States
22 currency. The package was concealed between the rear seat and rear cargo area
23 underneath a carpeted/molding area. In my experience, contraband including proceeds of
24 criminal activity is often concealed to avoid being found during casual encounters with
25 law enforcement.

26 27. Based upon the above listed indicators, statements from both subjects that
27 there were no large amounts of cash or currency in the vehicle, and the method of
concealment, the currency was seized as criminal proceeds. Both subjects signed
abandonment forms and were released from the scene. A later count of the currency was

1 conducted and totaled \$13,400. Based on my experience, the statements made by the
 2 vehicle's occupants, and the observations made by the officers, I believe this money to be
 3 criminal proceeds of human smuggling.

4 **C. July 2023 Smuggling Event**

5 28. On July 18, 2023, Border Patrol Agents (BPAs) assigned to the Blaine
 6 Station conducted a vehicle stop on a Chrysler Pacifica minivan after it was observed
 7 multiple times in a short period of time near the United States – Canada International
 8 Boundary in an area known for human smuggling. Based upon interviews with the
 9 occupants of the vehicle, it was determined that there were seven undocumented
 10 noncitizen passengers in the vehicle that had just unlawfully crossed from Canada into
 11 the United States.

12 29. During a custodial interview with one of the two United States citizen
 13 smugglers encountered in the vehicle and a potential source of information (hereinafter
 14 referred to as “CS-1”),⁸ CS-1 stated that he/she had been in contact with the user of TT1
 15 before and during the attempted smuggling event. CS-1 stated that the user of TT1 goes
 16 by the moniker “Chuy”. According to CS-1, “Chuy”⁹ is a human smuggler that, on
 17 several occasions, has instructed him/her when and where to pick up people near the U.S
 18 – Canada International Boundary. CS-1 informed investigators that he/she had picked up
 19 undocumented noncitizens for “Chuy” on at least three previous occasions and would
 20 personally deliver them to “Chuy” in Oregon. For these services, CS-1 stated that
 21 “Chuy” agreed to pay him/her \$500 per person. CS-1 further mentioned that “Chuy”
 22

23 ⁸CS-1 is cooperating with HSI in hopes of potential prosecutorial consideration given his/her concern that he/she
 24 would be implicated in the illegal conduct targeted by this investigation. CS-1's only criminal history is related to the
 25 smuggling event involving ORTIZ in July 2023. CS-1 has not previously been a confidential informant with HSI or
 26 any other law enforcement agency. CS-1 has provided background information on ORTIZ via statements and/or
 27 cellular phone analysis. The information provided by CS-1 has been corroborated through other means and has been
 shown to be reliable.

9 When describing interviews conducted throughout this affidavit, I use the moniker “Chuy” instead of ORTIZ
 because that is the name that the interviewee is given regarding the target of this investigation. It should be noted
 that none of the people interviewed thus far in this investigation know “Chuy’s” real identity.

1 works with other human smugglers in Canada, and one of their main smuggling routes
 2 was to smuggle people into the United States from Canada on trains.

3 30. CS-1 voluntarily granted agents written consent to search his/her phone.
 4 During a review of the phone, I observed communications on the WhatsApp application
 5 with TT1 that corroborated the information given during the interview.

6 31. Six of the seven undocumented noncitizens admitted to making
 7 arrangements with “Chuy” to be smuggled illegally into the United States. Two of the
 8 noncitizens provided TT1 to agents as the phone number for “Chuy”. They admitted to
 9 previously being in contact with Chuy prior to their illegal entry into the United States.

10 32. During one of the post-arrest statements, Y.R.T.¹⁰ stated that when he/she
 11 spoke to “Chuy” on TT1 in Canada, he/she asked him if he helps cross people into the
 12 U.S. and he stated, “Yes, I do it from time to time.”

13 **D. Association of TT1 to Target of Investigation, Jesus ORTIZ-Plata aka
 14 “Chuy”**

15 33. On November 27, 2023, at approximately 4:00 p.m., I spoke with CS-1 via
 16 telephone, during which time he/she confirmed the information given months prior and
 17 informed me that the user of TT1 is the same individual that goes by “Chuy”. On at least
 18 three occasions, at “Chuy’s” direction, via in-person meeting and/or by telephone using
 19 TT1, he/she was asked to travel to Blaine, WA at a predetermined location near the
 20 border that was given via WhatsApp message from “Chuy” via TT1 to pick up people
 21 and deliver them to an Oregon gas station in exchange for \$500 per person.¹¹ According
 22 to CS-1, he/she hasn’t spoken to “Chuy” in several months.

23 34. On November 29, 2023, at approximately 2:55 p.m., HSI Portland special
 24 agents conducted a consensual interview with CS-1 and presented him/her with a six-
 25 pack photographic lineup. When asked if he/she recognized anyone, CS-1 informed

26 ¹⁰ Y.R.T. provided a voluntary statement to BPAs subsequent to his/her unlawful entry into the United States.
 27 Y.R.T.’s only criminal history is related to his/her unlawful entry into the United States. Y.R.T. is not receiving any
 benefit for providing the information.

¹¹ According to CS-1, he/she has spoken to “Chuy” using TT1 on numerous occasions and knows that the user of
 TT1 is ORTIZ (aka “Chuy”) based upon both phone conversations and face-to-face meetings.

1 agents that photograph number 4 depicted "Chuy". The photograph identified by CS-1
2 depicted the driver license photograph of Jesus ORTIZ-Plata.

3 **E. Train Smuggling Events**

4 35. On August 31, 2023, at approximately 1:00 a.m., Customs and Border
5 Protection (CBP) officers assigned to the rail facility in Blaine, WA observed x-ray
6 anomalies of possible concealed persons inside a rail car containing bulk plastic pellets.
7 After searching the rail car, CBP officers found 29 undocumented noncitizens attempting
8 to conceal themselves. 28 of the subjects were determined to be Mexican nationals,
9 while one was a Colombian national and identified as the individual guiding the group
10 and instructing people where to hide and how to conceal themselves from detection by
law enforcement.

11 36. Interviews were conducted with the Mexican nationals and several of them
12 stated that they made arrangements with "Chuy". At least one of the noncitizens was
13 able to provide agents with "Chuy's" phone number and agents confirmed that it was
14 TT1.

15 37. On November 10, 2023, at approximately 11:00 p.m., CBP officers
16 intercepted another train and found 13 Mexican nationals, many of which attempted to
17 abscond after the train was ordered to stop by CBP officers.

18 38. During the subsequent interviews with the noncitizens, it was determined
19 that three of the subjects had been in contact with "Chuy" using TT1 both while in
20 Mexico and in Canada. Two of the individuals stated that they made arrangements with
21 "Chuy" to be smuggled into the United States unlawfully and agreed to pay "Chuy"
22 \$8,000 upon successfully being transported to Oregon.

23 **F. Interview with CS-2**

24 39. On October 12, 2023, HSI SAs and BPAs conducted a consensual
25 encounter with another potential source of information (hereinafter referred to as "CS-2")
26
27

1 regarding this human smuggling organization.¹² After CS-2 agreed to speak to agents,
 2 he/she was shown a photo of Jesus ORTIZ-Plata. CS-2 stated that the individual in the
 3 photo was an individual he/she knew only as “Chuy”. When asked how he/she knew
 4 “Chuy”, CS-2 stated that he/she used to deliver undocumented noncitizens to him in
 5 Marysville, WA. CS-2 further stated that it was his/her role to pick up these
 6 undocumented noncitizens after their unlawful entry into the United States and drive
 7 them from Bellingham, WA to the Seattle metropolitan area. CS-2 informed agents that
 8 he/she would be compensated \$500 per person and would be paid by an associate of
 9 “Chuy”. CS-2 told agents that he/she would deliver between four and seven noncitizens
 10 to “Chuy” directly in either Marysville or Everett, Washington. CS-2 stated that he/she
 11 believed the noncitizens that he picked up in Bellingham and took to “Chuy” had entered
 12 the United States unlawfully via a train from Canada. CS-2 has not been in contact with
 13 “Chuy” for approximately the last eight months and does not remember what phone
 14 number he used to use to contact him.

15 **G. Surveillance Footage of Jesus ORTIZ-Plata on November 6, 2023**

16 40. On October 20, 2023, Border Patrol agents assigned to the Blaine Sector
 17 Intelligence Unit learned that the **Target Vehicle** had been observed the previous day
 18 parked at the Quality Inn and Suites in Everett, Washington. On or about October 24,
 19 2023, agents requested that a hotel employee notify law enforcement if ORTIZ checks
 20 into the hotel in the future.

21 41. On November 6, 2023, at approximately 2:15 a.m., Border Patrol
 22 Intelligence Agent Manuel Robles was informed by a hotel employee of the Quality Inn
 23 and Suites in Everett, Washington that ORTIZ had checked into their hotel. On
 24

25 ¹² CS-2 is cooperating with HSI in the hopes of receiving immigration benefits. CS-2 has a criminal history related
 26 to his/her unlawful entry into the United States. CS-2 is subject to an outstanding order of removal issued by an
 27 immigration judge, in absentia. Due to his/her cooperation in this investigation, HSI is currently in the process of
 looking to issue deferred action to the subject. CS-2 has not previously been a confidential informant with HSI or any
 other law enforcement agency. CS-2 has provided background information on targets of this investigation. To date,
 the information provided by CS-2 has been corroborated through other means and has been shown to be reliable.

1 November 7, 2023, I retrieved a copy of pertinent surveillance video, from the hotel
 2 employee, of ORTIZ's stay, which lasted only a few hours.

3 42. According to the surveillance footage, on November 6, 2023, ORTIZ
 4 entered the parking lot driving the **Target Vehicle** at approximately 1:56 a.m. Based on
 5 my knowledge of this case and physical surveillance of ORTIZ, I know that the **Target**
 6 **Vehicle** is the same one observed in the parking lot of the Quality Inn and Suites
 7 mentioned above in paragraph 39.

8 43. ORTIZ exited the **Target Vehicle** and entered the hotel to check in at the
 9 front desk. At check in, ORTIZ provided his contact information to the hotel employee,
 10 including a phone number, driver license, credit card, and vehicle information.¹³ The
 11 phone number provided by ORTIZ (971-428-4605) is registered to his wife, Blanca
 12 ZAMARRIPA-Cruz and it is unknown whether ORTIZ is in possession of that device.
 13 After checking in, ORTIZ returned to the **Target Vehicle**, unloaded one suitcase out of
 14 the cargo area of the **Target Vehicle**, and then returned inside to the hotel and entered his
 15 room at approximately 2:09 a.m.

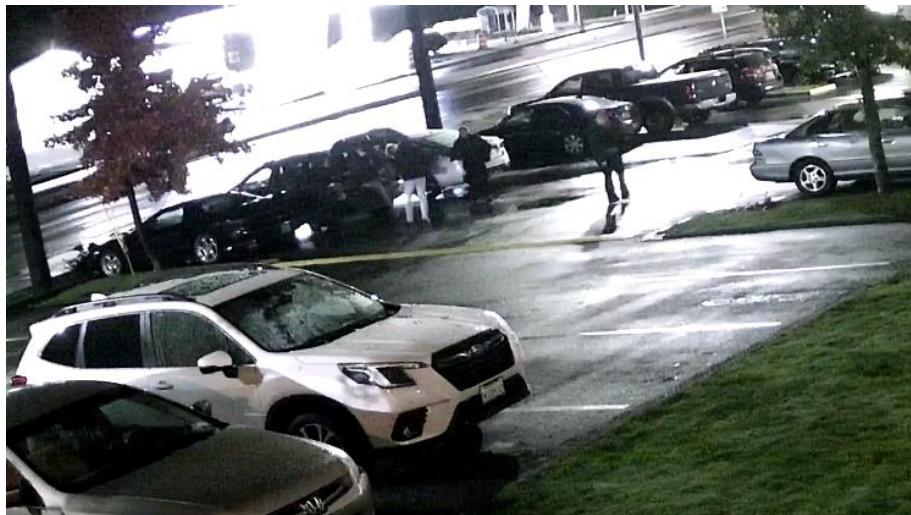
16 44. At approximately 2:29 a.m., ORTIZ left his room, returned to the **Target**
 17 **Vehicle**, and exited the property in his vehicle at approximately 2:32 a.m. At
 18 approximately, 2:56 a.m., the **Target Vehicle** was observed reentering the parking lot of
 19 the hotel and parked.

20 45. Approximately a minute later, ORTIZ exited the **Target Vehicle** along
 21 with three individuals from the passenger area. ORTIZ then opened the rear cargo area of
 22 the **Target Vehicle** and one more person exited from that area of the **Target Vehicle**. In
 23 my experience, human smugglers oftentimes move more people than they have room in
 24 their vehicle or attempt to conceal the number of people in the vehicle by instructing
 25 people to hide in the trunk or rear cargo area. Based on my knowledge of the **Target**
 26 **Vehicle**, I do not believe there to be any passenger restraints in the rear cargo area. Since

27

 ¹³ This information, given by ORTIZ during the standard reservation and check-in process, was obtained through a
 28 request to the hotel manager and was found on the hotel invoice.

1 ORTIZ was gone for approximately 24 minutes, it is unknown how long this subject
 2 would have been in the rear cargo area of the **Target Vehicle** unrestrained.



11 46. At 2:57 a.m., a total of five individuals walked into the hotel in a single-file
 12 line with ORTIZ leading the way with little to no interaction among those in the group. It
 13 should also be noted that the four individuals who followed ORTIZ were dressed in dark
 14 clothing and carried no personal items. In my experience, this type of activity is typical
 15 of human smuggling, and I have observed this same behavior in hundreds of human
 16 smuggling cases I have encountered throughout my career.



25 47. At approximately 2:58 a.m., all five individuals entered the same hotel
 26 room. Almost immediately upon entering the hotel room with the unknown subjects,
 27 ORTIZ left the room and returned to the **Target Vehicle** and entered the driver's seat.

1 After sitting in it for several minutes, the **Target Vehicle** backed out of the parking
 2 space. The **Target Vehicle** then stopped again and another unknown individual exited
 3 the back seat and entered the front passenger seat of the **Target Vehicle**. This subject
 4 was not observed entering the **Target Vehicle** since ORTIZ returned with the passengers
 5 and is believed to be one of six passengers, which explains why one individual was seen
 6 exiting the **Target Vehicle**'s cargo area¹⁴.

7 48. At approximately 3:05 a.m., ORTIZ exited the parking lot in the **Target**
Vehicle with the passenger.

8 49. At approximately 5:24 a.m., the **Target Vehicle** returned to the hotel.
 9 ORTIZ exited the **Target Vehicle** alone, returning a few minutes later to the room where
 10 he had left the other individuals a few hours earlier.

11 50. At approximately 10:08 a.m., ORTIZ left the room alone with one piece of
 12 luggage. After placing the luggage in the **Target Vehicle**, ORTIZ returned to the hotel
 13 room a few minutes later.



22 51. At approximately 10:18 a.m., ORTIZ and the other four individuals exited
 23 the room and returned to the **Target Vehicle** in the parking lot. It appears as if the
 24 individuals were wearing different clothes from when they arrived earlier that night

25 _____

26 ¹⁴ Based on an open-source search of the vehicle identification number (VIN) assigned to ORTIZ's 2019 Jeep
 27 Cherokee, the model and trim level shows that the seating capacity of the vehicle is five passengers.
https://www.caranddriver.com/jeep/cherokee/specs/2019/jeep_cherokee_jeep-cherokee_2019/397920 (last visited
 December 7, 2023)

1 without any personal belongings. The four passengers entered the **Target Vehicle** with
 2 all four entering the passenger compartment of the vehicle. ORTIZ then reentered the
 3 hotel and went directly to the front desk to check out. At approximately 10:22 a.m.,
 4 ORTIZ returned to the **Target Vehicle** and entered the front driver's seat. A minute later,
 5 the **Target Vehicle** exited the parking lot.



22 52. After the **Target Vehicle** departed the hotel parking lot, Border Patrol
 23 Intelligence Agents initiated mobile surveillance on the vehicle. Agents followed the
 24 Target Vehicle southbound on Interstate 5 for several hours. At approximately 2:00 p.m.,
 25 near Olympia, Washington, agents terminated surveillance as the **Target Vehicle**
 26 continued southbound on Interstate 5 toward Oregon. The fact that the **Target Vehicle**
 27 was continuing towards Oregon corroborates information provided during previous

1 interviews with noncitizens related to this organization and their discussions with “Chuy”
 2 on TT1 that they are told they will be transported to Oregon.

3 53. At approximately 7:00 p.m., an officer with the Independence, Oregon
 4 Police Department drove past several addresses associated with ORTIZ and Blanca
 5 ZAMARRIPA-Cruz, who is believed to be ORTIZ’s spouse. The **Target Vehicle** that
 6 was observed earlier that morning with the suspected noncitizens and followed by Border
 7 Patrol Intelligence Agents toward Oregon was observed by Officer Daniel Unverferth at a
 8 trailer, located at 151 Edwards Rd. S, #52 in Monmouth, Oregon. The **Target Vehicle**
 9 was observed parked under a carport near another vehicle that is registered to ORTIZ’s
 listed address on his driver license at 465 S 13th St. in Independence, Oregon.

10 **H. Phone Toll Records for TT1**

11 54. Based on my experience, individuals communicate often with family and
 12 friends. A review of the phone toll data revealed that the most frequent person the user of
 13 TT1 communicates with is an individual with the telephone number (971) 240-1598.
 14 According to a search of law enforcement databases, that number belongs to Blanca
 15 ZAMARRIPA-Cruz. ZAMARRIPA is the registered owner of multiple Oregon plated
 16 vehicles, including the **Target Vehicle**, which is shared ownership with ORTIZ. Based
 17 on my experience and speaking to Spanish speaking agents, I know that “Chuy” is a
 18 nickname for individuals named Jesus.

19 55. A query of TT1 in law enforcement databases shows that the service
 20 provider for the phone number is Verizon Wireless. On July 19, 2023, I submitted an
 21 administrative subpoena to Verizon Wireless requesting subscriber and call information
 22 for TT1. Verizon responded to the subpoena with call detail records; however, Verizon
 23 informed me that the subscriber information for TT1 was held with TracFone Wireless.
 24 On August 2, 2023, I submitted a subpoena to TracFone Wireless for the subscriber
 25 information associated with TT1. On August 7, 2023, TracFone Wireless responded with
 26 responsive information that TT1 was a prepaid number registered to “Juan copy_2 Pablo”
 27 with an address of “No Address Provided” in Marysville, WA. On November 29, 2023, I
 contacted TracFone Wireless via telephone and confirmed that TT1 was still active with

1 the same subscriber information. TracFone confirmed that TT1 has been active since
2 May 29, 2022, but while the subscriber information has changed slightly and different
3 devices have been used, the account ID email address, juanpablo123@none.com, has
4 been the same during that entire period.

5 56. Based upon my training and experience, I know that the use of prepaid
6 phones is a common practice within smuggling organizations, as it conceals the identity
7 of the user thereby making it more difficult for law enforcement to identify members of
8 the smuggling organization. Based on my experience and the fact that the account ID
9 email address has not changed, I believe that ORTIZ has been the user of TT1 since May
2022.

10 **I. Issuance of Warrant and Tracking of TT1**

11 57. On December 29, 2023, the Honorable S. Kate Vaughan issued a search
12 warrant and pen register and trap and trace for TT1 under case number: MJ23-626). That
13 same day, Verizon began transmitting responsive data.

14 58. On January 20, 2024, based on the GPS pings of TT1, I noticed that the
15 phone was moving north from Oregon into Washington state. Border Patrol Intelligence
16 Agent Manuel Robles and I initiated surveillance in order to observe ORTIZ and the
17 **Target Vehicle**. At approximately 11:05 p.m., I observed the **Target Vehicle** parked in
18 a garage associated with the Emerald Queen Casino near Tacoma, Washington. On
19 January 21, 2024, at approximately 2:40 a.m., I observed ORTIZ enter the **Target**
20 **Vehicle** and exit the parking garage. I initiated mobile surveillance and followed the
21 **Target Vehicle** to a rest area near SeaTac, WA. The **Target Vehicle** remained at the rest
22 area until approximately 4:00 a.m. when the vehicle began heading north toward Everett,
23 WA. Mobile surveillance was unable to be conducted due to a lack of manpower;
24 however, based on GPS tracking of TT1, the device was in the area of Everett, WA at
25 approximately 5:00 a.m. TT1 remained within a 593-meter radius of 13709 Meridian Pl
26 W in Everett, WA until approximately 5:24 a.m., when the device first pinged heading
27 southbound on Interstate 5 from Everett, WA.

1 59. It should be noted that there were no calls or messages made from or to
2 TT1 between 5:01 p.m. on January 20, 2024, and 3:47 a.m. on January 21, 2024, which is
3 approximately the time that ORTIZ left the rest area and traveled north toward Everett,
4 WA. In my experience, human smugglers are working with other co-conspirators and
5 wait until they are told that the undocumented noncitizens have successfully crossed the
6 International Boundary into the United States from Canada. Based on this investigation,
7 it is my belief that ORTIZ and other individuals are transporting and facilitating the travel
8 of undocumented noncitizens across the International Boundary where they are
9 transferred to ORTIZ in an area away from the border, such as Everett, WA.

10 60. At approximately 9:39 a.m., TT1 was tracked to Albany, OR where it
11 remained for approximately 15 minutes until it was observed traveling northbound
12 towards Monmouth, OR where the **Target Vehicle** had been previously observed on
13 November 6, 2023, as described above in paragraph 52. The continued GPS pings in
14 Monmouth are approximately 300 ft. from the address associated to ORTIZ, which is
15 well within the margin of error given by Verizon.

16 61. On January 22, 2024, Border Patrol Intelligence Agents and I initiated
17 surveillance in Everett, WA, in order to observe ORTIZ in the area that TT1 was pinging
18 the previous morning. At approximately 1:54 a.m., TT1 was pinging near the same rest
area near SeaTac, WA as the day before.

19 62. At approximately 7:00 a.m., I was notified by Border Patrol Agents in
20 Blaine Sector that an apprehension of two Mexican nationals was made near Sumas, WA.
21 At approximately 7:54 a.m., TT1 began moving away from the rest area near SeaTac,
22 WA. The next ping of TT1 showed the device traveling southbound on Interstate 5
23 toward Oregon.

24 63. Based on my experience and the timing of these pings, I believe that
25 ORTIZ was waiting at the rest area for these two individuals to successfully cross the
26 International Boundary into the United States from Canada before traveling up to the
27 Everett, WA area. Once the apprehensions were made, ORTIZ cancelled his plans of

1 traveling up to Everett, WA and turned back around and returned to Oregon. At 11:54
 2 a.m., TT1 was, once again, pinging in the same area of Monmouth, OR.

3 64. On January 23, 2024, at approximately 12:09 a.m., TT1 was pinged leaving
 4 the Emerald Queen Casino in Tacoma, WA and traveling north on Interstate 5 toward
 5 Everett, WA. At approximately 12:55 a.m., TT1 was observed pinging in the same area
 6 of Everett, WA near 13709 Meridian Pl W. The next ping of TT1 showed that the device
 7 was already traveling southbound on Interstate 5 toward Oregon.

8 65. From my experience, it is common for human smugglers to adjust the times
 9 that people are smuggled into the United States immediately following an apprehension
 10 to avoid predictable patterns of illicit activity that can be easily detected by law
 11 enforcement. Based on my experience, this is a likely reason for why ORTIZ traveled up
 12 to the Seattle metropolitan area much earlier than he had the previous two days.

13 66. On January 23, 2024, at approximately 10:54 p.m., a review of the data
 14 showed that TT1 was traveling southbound on Interstate 5 toward California. On January
 15 24, 2024, TT1 traveled down to the Los Angeles metropolitan area before traveling back
 16 to his residence in Oregon, where he arrived just before 2:00 p.m. on January 25, 2024. In
 17 my experience, human smugglers transport the undocumented noncitizens to other areas
 18 of the country subsequent to their unlawful entry into the United States. Once the people
 19 are delivered, human smugglers are often paid in cash, which is subsequently transported
 in their vehicle to where they live.

20 **J. Issuance of Vehicle Tracking Warrant for the Target Vehicle and
 21 Subsequent Surveillance**

22 67. On January 26, 2024, the Honorable S. Kate Vaughan issued a GPS
 23 tracking warrant for the **Target Vehicle** under case number MJ24-049.

24 68. On January 31, 2024, at approximately 9:10 p.m., TT1 was pinging the area
 25 of the Emerald Queen Casino in Tacoma, WA. At approximately 9:55 p.m., members of
 26 a surveillance team arrived at the Emerald Queen Casino. BPA-I Robles the **Target
 27 Vehicle** in the south parking garage, which is attached to the casino. At approximately

1 10:07 p.m., I successfully installed the court ordered GPS tracking device on the **Target**
2 **Vehicle.**

3 69. At approximately 10:45 p.m., mobile surveillance was initiated as the
4 **Target Vehicle** departed the Emerald Queen Casino and traveled northbound on
5 Interstate 5. At approximately 11:32 p.m., the **Target Vehicle** exited the freeway at
6 128th Street in Everett, WA. From that time until approximately 11:57 p.m., the **Target**
7 **Vehicle** was observed going through several parking lots, stopping for brief periods of
8 time, and making U-turns for no apparent reason. During the surveillance, ORTIZ was
9 only observed exiting the vehicle twice, once to go inside the convenience store at a gas
10 station and once at the Motel 6. Agents were unable to determine if ORTIZ met with
11 anyone at the Motel 6; however, nobody other than ORTIZ was observed entering the
12 vehicle. At approximately 11:57 p.m., the **Target Vehicle** was observed getting onto
13 Interstate 5 and heading back south towards Seattle. After approximately another 15
minutes of following ORTIZ, surveillance was terminated.

14 70. Based on my experience, it is common for smugglers of contraband to often
15 use “heat checks” to determine if they are being followed by law enforcement before
16 conducting their illicit activities. If smugglers believe they are being followed, these
17 individuals will often abort their activities to avoid arrest. Once they determine that they
18 are not being followed, smugglers will continue to a predetermined location, where they
19 will conduct the illicit activity. It should be noted that 128th Street in Everett is where
20 the Quality Inn and Suites is located, where ORTIZ has been observed and believed to
21 involved in human smuggling. Below is an illustration of the tracking of the **Target**
22 **Vehicle** on January 31, 2024, from when the vehicle exited the freeway on 128th Street
23 to when he reentered the freeway a short time later and traveled back southbound on
24 Interstate 5.



71. Based on the GPS tracker data, the **Target Vehicle** continued southbound on Interstate 5 until, once again, parking near the Emerald Queen Casino in Tacoma, WA at approximately 1:00 a.m. According to the tracker data, at approximately 1:53 a.m., the **Target Vehicle** began moving and continued southbound on Interstate 5. At approximately 2:35 a.m., the tracker showed that the **Target Vehicle** stopped at a rest area near Rochester, WA. The **Target Vehicle** remained stationary there until approximately 7:51 a.m., when the vehicle continued southbound on Interstate 5 towards Oregon. The **Target Vehicle** made stops at the Santiam River rest area and a Love's Truck Stop at 10:29 a.m. and 10:44 a.m., respectively. The **Target Vehicle** made several more stops before the vehicle returned to the residence frequented by ORTIZ, located near 150 Edwards Rd S, Monmouth, OR at approximately 1:53 p.m.

72. It should be noted that all the data for TT1 was consistent with the GPS tracking data of the **Target Vehicle**, which suggests ORTIZ is consistently in possession of TT1.

22 K. Suspected Smuggling Event Occurring on February 7, 2024

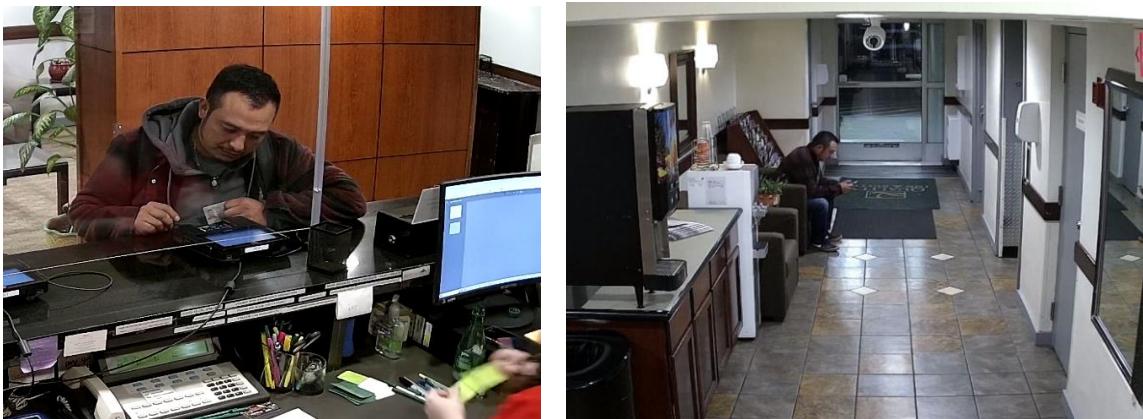
23 73. On February 7, 2024, at approximately 6:45 p.m., based on GPS tracking of the **Target Vehicle**, I noticed that it was northbound on Interstate 5, just north of Salem, OR. At approximately 9:40 p.m., the GPS data showed that the **Target Vehicle** had arrived at the Emerald Queen Casino in Tacoma, WA, where ORTIZ and his vehicle have

1 been observed prior to suspected human smuggling events, as discussed throughout this
 2 affidavit.

3 74. At approximately 10:21 p.m., based on GPS data, the **Target Vehicle**
 4 departed the Emerald Queen Casino and traveled northbound toward Everett, WA. At
 5 11:16 p.m., the **Target Vehicle** arrived at the Quality Inn and Suites in Everett, WA.
 6 Both GPS data and surveillance video from the Quality Inn and Suites support these
 7 times.



8 75. At the same time of the **Target Vehicle's** arrival at the hotel, an individual
 9 is waiting in the lobby. According to an employee at the hotel, that individual was
 10 identified at check-in as Luis Ramirez-Capilla.



11 76. A few minutes later, Ramirez was observed exiting the hotel and meeting
 12 with ORTIZ behind the **Target Vehicle** in the parking lot. At approximately 11:20 p.m.,
 13 a woman and three children, dressed in all black clothing, were observed walking from
 14 the **Target Vehicle** and entering the hotel. Ramirez was holding one of the children and

1 ORTIZ followed behind with no interaction with Ramirez or any of the other people.
 2 Based upon my experience, the clothing, ORTIZ's interaction with the individuals, and
 3 the circumstances of this event are highly indicative of human smuggling.

4 77. As illustrated in the photos below, ORTIZ enters the elevator at
 5 approximately 11:20 p.m. with the group of people. At this point, ORTIZ is only
 6 observed with a backpack slung over his right shoulder. At approximately 11:35 p.m.,
 7 ORTIZ is observed leaving the hotel alone with the backpack still slung over his right
 8 shoulder. Based upon my experience, human smugglers often drop off the people they
 9 have been hired to smuggle with family or other co-conspirators with little to no
 10 interaction with these people due to the fact that they have no prior relationship to these
 11 individuals. After the people are successfully brought to a predetermined location, the
 12 smugglers are paid for their services, often in cash, and then the smuggler departs after
 13 his/her role in the process is complete.



14 78. The **Target Vehicle** was observed on hotel surveillance camera departing
 15 the Quality Inn and Suites at approximately 11:39 p.m. These times are all consistent
 16 with the GPS tracker installed on the **Target Vehicle** and the location data provided by
 17 TT1. According to the GPS tracking data, the **Target Vehicle** immediately entered
 18 Interstate 5 and traveled southbound toward Oregon. According to the data, ORTIZ made
 19 two stops along Interstate 5, including at a Taco Bell in Olympia, WA and a 40-minute
 20 stop at a casino near Ridgefield, WA before arriving back at his residence in Monmouth,
 21 OR at approximately 4:44 a.m.

1 **L. Suspected Smuggling Event Occurring on February 11, 2024**

2 79. On February 11, 2024, at approximately 6:14 p.m., based on GPS tracking
3 of the **Target Vehicle**, I noticed that it was traveling northbound on Interstate 5. The
4 **Target Vehicle** continued northbound until it reached the area surrounding the Emerald
5 Queen Casino in Tacoma, WA at approximately 8:57 p.m. At approximately 10:58 p.m.,
6 the **Target Vehicle** began moving and continued northbound on Interstate 5. While in
7 the past, the **Target Vehicle** has continued northbound on Interstate 5 towards Everett,
8 WA, on this occasion, the **Target Vehicle** went eastbound on Interstate 90 and then
9 northbound on Interstate 405. In my experience, smugglers often change their times,
locations, and routes of travel to avoid detection and apprehension by law enforcement.

10 80. After exiting Interstate 405, the **Target Vehicle** turned westbound on NE
11 116th Street in Kirkland, WA. According to the tracking data, while continuing
12 westbound on NE Juanita Dr, the **Target Vehicle** made a U-turn and then began traveling
13 eastbound on NE Juanita Dr. As stated earlier, in my experience, smugglers of
14 contraband often make evasive maneuvers in an attempt to identify whether law
15 enforcement is following them.

16 81. At approximately 11:55 p.m., the **Target Vehicle** stopped at a Chevron gas
17 station located at the corner of NE 116th Street and 98th Ave NE in Kirkland, WA. It
18 should be noted that the **Target Vehicle** had previously passed this same intersection
19 approximately seven minutes prior, which makes me believe that the U-turn mentioned in
20 the previous paragraph was a deliberate attempt to identify if the vehicle was being
21 followed by law enforcement.

22 82. According to the GPS data, the **Target Vehicle** was stationary for
23 approximately one minute and 29 seconds, which, in my estimation, is not enough time to
24 conduct any legitimate activity at a service station. Due to this ongoing investigation, a
25 decision was made not to attempt to request camera footage at the service station;
26 however, it is unknown what occurred during that stop. Since the vehicle returned to the
27 freeway and didn't stop again until a Flying J service station near Olympia, WA, and
based on the information available during this investigation, it is unlikely that ORTIZ

1 would have driven up to Kirkland, WA and back to southern Washington, an area the
 2 vehicle was at nearly five hours prior for no reason.

3 83. After a brief stop at a rest area near Ridgefield, WA, the **Target Vehicle**
 4 continued southbound on Interstate 5 until it reached his residence in Monmouth, OR at
 5 approximately 4:33 a.m. on February 12th, 2024.

6 **M. Smuggling Event Occurring on February 25, 2024**

7 84. On February 25, 2024, at approximately 4:20 p.m., based on tracker data, I
 8 noticed that the **Target Vehicle** was northbound on Interstate 5 near Salem, Oregon.
 9 Agents continued to monitor the tracker data as the **Target Vehicle** continued
 10 northbound from the Oregon/Washington state line at approximately 5:09 p.m. At
 11 approximately 7:35 p.m., according to the tracker data, the **Target Vehicle** arrived at the
 12 Emerald Queen Casino. It is suspected that ORTIZ stops there while someone else picks
 13 up the undocumented noncitizens from near the United States/Canada International
 14 Boundary prior to transferring the people to ORTIZ, who then transports them in
 15 furtherance of their unlawful entry to various locations throughout the United States.

16 85. BPA-I Robles was able to identify that it was, in fact, ORTIZ inside the
 17 casino. At approximately 10:30 p.m., ORTIZ departed the casino, entered the **Target**
 18 **Vehicle**, and began heading north on Interstate 5 towards Seattle, WA. Agents began
 19 mobile physical surveillance of the **Target Vehicle**, while also using the tracking device
 20 in order to maintain a distance as to not alert ORTIZ that he was being surveilled. At
 21 approximately 10:47 p.m., the **Target Vehicle** exited Interstate 5 near the Southcenter
 22 Mall in Seattle, WA. After exiting the freeway, the **Target Vehicle** began traveling
 23 southbound on Southcenter Parkway for less than a minute before making a U-turn and
 24 traveling back northbound from the direction it had just come. Based on my experience
 25 and previous times conducting surveillance on the **Target Vehicle**, I believe ORTIZ
 26 conducts counter surveillance in order to identify if he is being followed by law
 27 enforcement. Agents used the tracker to monitor the location of the **Target Vehicle**.

86. After traveling for several minutes around the boundary of the mall, the
 27 **Target Vehicle** entered the on-ramp and began traveling northbound on Interstate 405.

1 Based on my knowledge of the area, the most direct route for ORTIZ to have gotten on
 2 Interstate 405 would have been to take the next exit off of Interstate 5 instead of exiting
 3 at the Southcenter Mall. I believe ORTIZ took this route as a counter surveillance tactic
 4 since there are not many cars in and around the mall at that time of night.

5 87. Agents continued following the **Target Vehicle** on I-405 for approximately
 6 the next twenty minutes until it exited onto NE 116th Street near Kirkland, WA. After
 7 exiting the freeway, the **Target Vehicle** turned left onto NE 116th Street and continued
 8 west. Agents followed the **Target Vehicle** at a distance due to the lack of vehicular
 9 traffic on the road. Just past the intersection where NE 116th Street turned into NE
 10 Juanita Drive, agents observed the **Target Vehicle** make a left hand turn into a parking
 11 lot for the Juanita Beach Park. It should be noted that this is the same area the **Target**
 12 **Vehicle** traveled to on February 11, 2024, where ORTIZ is suspected of picking up
 13 undocumented noncitizens at a gas station that is less than one mile from the Juanita
 Beach Park lot.

14 88. At approximately 11:13 p.m., agents observed the **Target Vehicle** park
 15 next to a white Buick sports utility vehicle (SUV). Agents observed ORTIZ standing
 16 outside the driver's side door of the **Target Vehicle**. Agents also observed all four doors,
 17 to include the rear cargo area, of the **Target Vehicle** open with multiple people placing
 18 bags in the cargo area and boarding the **Target Vehicle**. The **Target Vehicle** was not
 19 there for more than approximately two minutes before agents observed the white Buick
 20 SUV leaving the area with the **Target Vehicle** following closely behind towards the exit
 21 of the park off NE Juanita Dr.

22 89. At approximately 11:16 p.m., agents observed both the white Buick SUV
 23 and the **Target Vehicle** turning eastbound on NE Juanita Dr. The **Target Vehicle**
 24 continued to travel back towards Interstate 405, the same direction it had come from only
 25 minutes earlier. The white Buick SUV turned left turn onto 98th Ave NE. Agents
 26 followed the white Buick SUV and relayed via service radio that the vehicle bore
 27 Washington license plate CBN0570. The Buick SUV continued onto 98th Ave NE and quickly turned into a shopping mall located at 11844 98th Ave NE and parked near Envy

1 Nails. While waiting for the vehicle to depart again, SA Toby Ledgerwood conducted
 2 records checks on the license plate and relayed to agents that the vehicle returned to a
 3 2022 Buick Enclave and was a Hertz rental car out of SeaTac, WA.

4 90. Moments later, agents observed the Buick Enclave pulling out of its
 5 parking spot and leaving the parking lot. Agents observed the Buick Enclave make
 6 making several turns and once again passed the Juanita Beach Park. Agents followed the
 7 white Buick Enclave on Juanita Dr NE for several minutes until it turned right onto NE
 8 143rd St and another quick right onto 73rd Ave NE. At approximately 11:30 p.m., agents
 9 observed the Buick Enclave parked along a fence line off NE 142nd Pl, which is part of
 10 the Inglenook Court Apartments, located at 14220 Juanita Dr NE in Kirkland, WA.
 11 Agents took note of other vehicle license plates in the immediate area of the rental
 12 vehicle in order to associate with potential co-conspirators.

13 91. While agents were conducting surveillance on the Buick Enclave, I was
 14 following the **Target Vehicle** at a distance and using the vehicle tracker. The **Target**
 15 **Vehicle** traveled directly to the Interstate 405 on ramp and began traveling southbound.
 16 The **Target Vehicle** continued south on I-405 until reaching the I-5 interchange, where it
 17 began traveling south onto the I-5 towards Tacoma, WA. The **Target Vehicle** continued
 18 south on I-5 until exiting the freeway and making a stop at the Love's Gas Station,
 19 located at 1276 Rush Rd in Napavine, WA at approximately 12:54 a.m. I initiated static
 20 surveillance from across the street and observed only ORTIZ exit the vehicle at this
 21 location. Based on my experience, it is common for human smugglers to order the
 22 undocumented noncitizens to stay in the vehicle as to not arouse suspicion of the general
 23 public or law enforcement. Oftentimes, the noncitizens are covered in mud or wet from
 24 crossing the border unlawfully, especially during this time of year in Washington state.

25 92. At approximately 1:06 a.m., the **Target Vehicle** left the Love's Gas Station
 26 and got back onto I-5 heading south towards Oregon. The **Target Vehicle** continued
 27 south on I-5 until crossing into the state of Oregon at approximately 2:11 a.m., where it
 remained on I-5 until exiting at approximately 2:53 a.m., near Salem, OR. The **Target**
Vehicle continued through Salem, OR for approximately 20 minutes before arriving at

1 the residence the **Target Vehicle** is most often observed at via tracker data, located at
2 151 Edwards Rd S in Monmouth, OR. While the vehicle went through back roads and
3 small towns outside of Salem, I made the decision to not continue following the vehicle
4 and to use the tracking device as to not be observed by ORTIZ. According to the tracker
5 data, the **Target Vehicle** was at the residence for approximately seven minutes before
6 leaving and arriving at a parking lot near an Oregon State Credit Union branch in
7 Monmouth, OR at approximately 3:30 a.m. Based on the time, it is suspected the ORTIZ
8 used the ATM at that location due to the fact that no other businesses, including the bank,
9 in that parking lot would be open at that time.

10 93. After a short period of time there, the **Target Vehicle** traveled to the
11 Independence Hotel, where the **Target Vehicle** arrived at approximately 3:45 a.m. The
12 **Target Vehicle** remained there for the rest of the evening. Based on the timing and the
13 fact that ORTIZ is suspected of picking up undocumented noncitizens, it is believed that
14 ORTIZ took cash out of an ATM, so that there would not be a credit card charge at the
15 hotel. In my experience, it is common for smugglers to use cash to pay for expenses, such
as hotels, as to not have a paper trail of their illicit activity.

16 **Trip to California and Seizure of Proceeds**

17 94. On February 26, 2024, at approximately 12:42 p.m., according to the
18 tracking information, the **Target Vehicle** departed ORTIZ's residence in Monmouth, OR
19 and began traveling toward Salem, OR. The **Target Vehicle** then began traveling
20 southbound on Interstate 5 toward California. Along the way, the **Target Vehicle** made
21 several stops at various rest areas and gas stations before reaching Salinas, CA. Based on
22 the tracker data, the **Target Vehicle** stopped at approximately 11:22 p.m. at a residence
23 located at 1153 Trivoli Way in Salinas, CA. The **Target Vehicle** was stopped at that
24 residence for approximately 32 minutes before departing at approximately 11:54 p.m.
25 Less than ten minutes later, the **Target Vehicle** stopped at a gas station in Salinas, CA
26 and then proceeded to travel back on the freeway toward Oregon. On its way back from
27 Oregon, the **Target Vehicle** stopped at a rest area for approximately two and a half hours
near Red Bluff, CA before continuing on towards Oregon. In my experience, all of this

1 activity is indicative of human smuggling, including a short stop at a residence in
 2 California the day after being suspected of picking up undocumented noncitizens. Based
 3 on my experience, as previously discussed in this affidavit, human smugglers oftentimes
 4 are paid in cash after dropping off the noncitizens with family members or other co-
 5 conspirators and then transport that cash in their vehicle back to where they live.

6 95. On February 27, 2024, at approximately 10:31 a.m., officer Adamson with
 7 the Medford Area Drug and Gang Enforcement (MADGE) task force¹⁵ activated his
 8 overhead lights and conducted a stop on the **Target Vehicle** for state of Oregon traffic
 9 violations. Investigators were aware of the September 2022 vehicle stop in Nebraska that
 10 resulted in the seizure of \$13,400 concealed within the vehicle occupied by ORTIZ.

11 96. ORTIZ, driving the **Target Vehicle**, yielded to officers in the parking lot of
 12 Seven Feathers Casino located at 146 Chief Miwaleta Ln in Canyonville, OR. Medford
 13 Police Department (MPD) Detective Martin, a native Spanish speaker, assisted HSI SA
 14 Michaud with interview of ORTIZ over the telephone. ORTIZ consented to search of the
 15 **Target Vehicle** and signed a consent to search form for the vehicle. During search of the
 16 **Target Vehicle**, investigators located \$10,500 in US Currency concealed inside the
 fabric of the rear passenger seat.



25
 26 ¹⁵ MADGE consists of five different law enforcement agencies: Medford Police Department, Jackson County
 27 Sheriff's Office, Jackson County Community Corrections, Federal Bureau of Investigations, Homeland Security
 Investigations, and the Jackson County District Attorney's Office
 (https://www.medfordoregon.gov/Government/Departments/Police/MADGEIMET-Task-Force)

1 97. ORTIZ stated that he works in construction and the money is from casino
 2 winnings. When SA Michaud asked ORTIZ why the money was hidden inside the fabric
 3 of his rear passenger seat, ORTIZ stated it is because he was cautious of the money being
 4 stolen. SA Michaud asked ORTIZ where he was coming from, and ORTIZ stated he was
 5 coming from Salinas, CA and was on his way home to Independence, OR. When asked
 6 why he was in Salinas, ORTIZ stated he drove a woman and her child to Salinas. ORTIZ
 7 stated the woman and child were just friends and not family. ORTIZ told investigators
 8 that he did not get paid for driving the woman and child, and he simply drove them as a
 9 favor. MADGE K9 Officer Tucker conducted a K9 search, during which K9 Bodie
 10 alerted to the odor of narcotics on the US currency. Based on all these factors, SA
 11 Michaud seized the currency and provided ORTIZ with a MPD property receipt for the
 12 seized currency.

13 98. ORTIZ and the **Target Vehicle** were released from the vehicle stop at
 14 approximately 11:41 a.m. According to the GPS tracking data, the **Target Vehicle**
 15 returned to the residence in Monmouth, OR at approximately 2:23 p.m.

16 **N. Hertz Subpoena Return and Identification of Potential Co-Conspirator**

17 99. On February 26, 2024, I submitted an administrative subpoena to Hertz
 18 Corporation for information related to the rental of the Buick Enclave, bearing
 19 Washington license plate CBN0570 encountered the previous evening.

20 100. On February 29, 2024, I received the subpoena return from the Hertz
 21 Corporation. According to Hertz, the vehicle was rented by Jesus TORRES-Lopez with
 22 an associated address of 130 Daisy St NE in Royal City, WA. The vehicle was rented on
 23 February 25, 2024, at 6:35 p.m. and returned the next day (February 26, 2024) at 6:38
 24 p.m. The rental agreement listed a phone number of (206) 295-8090.

25 101. A review of the plates gathered at the apartment complex in Kirkland, WA
 26 after the human smuggling event revealed a 2020 black Cadillac CTS bearing
 27 Washington temporary tag A6996499. The registered owner of that vehicle is Jesus
 28 TORRES-Lopez with the same associated address in Royal City, WA. Based on this
 29 information, I believe that TORRES may reside at the apartment complex in Kirkland,

1 WA. In speaking with Border Patrol Agents assigned to the Blaine Sector area of
 2 responsibility, agents assigned to the Sumas area on January 31, 2024, remember
 3 observing a black Cadillac CTS with a Washington temporary tag driving through the
 4 area. It was unknown at that time if the vehicle picked up any undocumented noncitizens
 5 near the United States/Canada International boundary; however, it matches the pattern in
 6 the fact that ORTIZ traveled up to the Everett, WA area on that same evening. However,
 7 it is possible that he aborted his smuggling attempt due to the possibly of law
 8 enforcement in the area.

9 **CONCLUSION**

10 102. Based on the forgoing, I respectfully submit there is probable cause to
 11 believe that ORTIZ is using the **Target Vehicle** in furtherance of the Target Offenses,
 12 including violations of Title 8 of the United States Code. Installing a tracking device and
 13 obtaining real time GPS tracking data on the location of the **Target Vehicle** is necessary
 14 and appropriate to aid the investigation of this human smuggling organization. This
 15 Application is part of an ongoing investigation into ORTIZ, and others, both known and
 16 unknown. “Real time” GPS data on the Target Vehicle used by ORTIZ would assist
 17 investigators in monitoring ORTIZ’s movement and help determine the potential
 18 coconspirators who assist in the smuggling and/or harboring of undocumented
 19 noncitizens, the location of meetings, the smuggling routes used by the organization, and
 20 the geographic breadth of the Smuggling Organization. Accordingly, there is probable
 21 cause to believe that tracking this vehicle will reveal evidence, fruits, and
 22 instrumentalities of 8 U.S.C. §§ 1324(a)(1)(A)(i) and (a)(2)(B)(ii).

23 103. I respectfully request that the Court issue a warrant authorizing members of
 24 HSI, or their authorized representatives, including but not limited to other law
 25 enforcement agents and technicians assisting in the above-described investigation, to
 26 install and/or continue monitoring a tracking device in or on the **Target Vehicle** within
 27 the Western District of Washington within 10 days of the issuance of the requested
 warrant, and to remove said tracking device from the **Target Vehicle** after the use of

1 tracking devices has ended; to surreptitiously enter 465 S 13th Street, Independence, OR,
2 where the **Target Vehicle** may be parked, and/or move the **Target Vehicle** to effect the
3 installation, repair, replacement, and removal of the tracking device; and to monitor the
4 tracking device, for a period of 45 days following the issuance of the warrant, including
5 when the tracking device is inside private garages and other locations not open to the
6 public or visual surveillance, both within and outside the Western District of Washington.

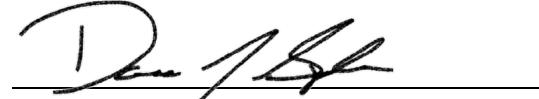
7 104. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of
8 Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to
9 delay notice until 90 days after the collection authorized by the warrant has been
10 completed. This delay is justified because there is reasonable cause to believe that
11 providing immediate notification of the warrant may have an adverse result, as defined in
12 18 U.S.C. § 2705. Providing immediate notice to the person using the **Target Vehicle**
13 would seriously jeopardize the ongoing investigation, as such a disclosure would give that
14 person an opportunity to destroy evidence, change patterns of behavior, notify
15 confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1). There is reasonable
16 necessity for the use of the technique described above, for the reasons set forth above. *See*
17 18 U.S.C. § 3103a(b)(2). Additionally, if necessary, I may request that the Court, upon a
18 showing of good cause, order a further delay of the time permitted to serve notice, if
19 necessary to protect the safety of any individual, avoid flight or destruction of evidence,
20 and ensure that the investigation is not jeopardized prior to its completion.

21 105. I further request that the Court authorize execution of the warrant (i.e.,
22 installation, monitoring, and removal) at any time of day or night, owing to the potential
23 need to locate the **Target Vehicle** outside of daytime hours.

24 106. I further request that the Court order that all papers in support of this
25 application, including the Affidavit and Tracking Warrant, be sealed until further order of
26 the Court. These documents discuss an ongoing criminal investigation that is neither
27 public nor known to all the targets of the investigation. Accordingly, there is good cause
to seal these documents because their premature disclosure may seriously jeopardize that

1 investigation, including by giving targets an opportunity to destroy or tamper with
2 evidence, change patterns of behavior, notify confederates, and flee from prosecution.

3 107. This warrant is being submitted via reliable electronic means. Fed. R. Crim.
4 P. 4.1 & 41(d)(3).

5 
6 DAVID J. SPITZER
7 Special Agent,
8 Homeland Security Investigations

9 The above-named agent provided a sworn statement to the truth of the foregoing
10 affidavit by telephone on the 8th day of March 2024.

11 
12 PAULA L. MCCANDLIS
13 United States Magistrate Judge
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ATTACHMENT A**Description of Target Vehicle and Nature of Authorization for Tracking**

This warrant shall authorize agents with HSI and other law enforcement agents/officers/technicians working with them, to place an autonomous GPS tracking device on the Target Vehicle described and pictured below:

- a. a gray 2019 Jeep Cherokee bearing Oregon license plate number 073PDC and registered to Jesus Ortiz Plata or Blanca Elia Zamarripa Cruz, 465 S 13th Street, Independence, OR 97351



Agents are authorized to:

b. install, remove, monitor, repair, or adjust an electronic tracking device on or within the vehicle at any time of the day or night;

c. if necessary to protect the safety of persons installing, removing, monitoring, repairing, or adjusting the electronic tracking device, or to protect the integrity of the investigation, surreptitiously enter the subject vehicle at any time of the day or night, and move the subject vehicle from one location to another for the purpose of installing, removing, monitoring, repairing, or adjusting the device;

d. surreptitiously re-enter the subject vehicle at any time of the day or night, for the purpose of installing, removing, monitoring repairing, or adjusting the device; and

e. continuously monitor any and all signals emitted from the device, including when the vehicle enters any structure or private property in which there may be a reasonable expectation of privacy.

This authorization continues in any jurisdiction where the **Target Vehicle** may move for a period not to exceed 45 days.